



4191-02U

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2016-0066]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Centers for Medicare and Medicaid Services (CMS)) - Match Number 1076

AGENCY: Social Security Administration (SSA)

ACTION: Notice of a renewal of an existing computer matching program that will expire on April 19, 2016.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a renewal of an existing computer matching program that we are currently conducting with CMS.

DATES: We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966-0869 or writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100-503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

- (1) Negotiate written agreements with the other agency or agencies participating in the matching programs;
- (2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;
- (3) Publish notice of the computer matching program in the Federal Register;
- (4) Furnish detailed reports about matching programs to Congress and OMB;
- (5) Notify applicants and beneficiaries that their records are subject to matching; and
- (6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Glenn Sklar
Acting Executive Director
Office of Privacy and Disclosure
Office of the General Counsel

Notice of Computer Matching Program, SSA with the Centers for Medicare and Medicaid Services (CMS)

A. Participating Agencies

SSA and CMS

B. Purpose of the Matching Program

The purpose of this matching program is to establish the terms, conditions, and safeguards under which CMS will disclose to us certain individuals' admission and discharge information for care received in a nursing care facility. We will use this information to administer the Supplemental Security Income (SSI) program efficiently and to identify Special Veterans' Benefits (SVB) beneficiaries who are no longer residing outside of the United States.

C. Authority for Conducting the Matching Program

The legal authority for this agreement is the Privacy Act (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503) and the regulations promulgated thereunder.

Legal authority for the SSI portion of the matching program is contained in sections 1611(e)(1) and 1631(f) of the Social Security Act (42 U.S.C. 1382(e)(1) and 1383(f)), and 20 C.F.R. 416.211. Section 1611(e)(1)(B) of the Act (42 U.S.C. 1382(e)(1)(B)) limits the amounts of SSI benefits that eligible individuals or their eligible spouse may receive when that individual is, throughout any month, in a medical treatment facility receiving payments (with respect to such individual or spouse), under a State plan approved under Title XIX of the Act, or the amount of benefits an eligible child under 18 may receive

who is receiving payments under any health insurance policy issued by a private provider.

The legal authorities for the SVB portion of the matching program are contained in sections 801 and 806(a) and (b) of the Act. (42 U.S.C. 1001 and 1006(a) and (b)).

The legal authority for CMS' disclosures under this CMA to our data request is section 1631(f) of the Act (42 U.S.C. 1383(f)), which requires Federal agencies to provide us with such information as necessary to establish eligibility for SSI payments, or the amount of benefits owed, and 45 C.F.R. 164.512(a) Standard: Uses and disclosures required by law (Health Insurance Affordability and Accountability Act of 1996 (HIPPA) Privacy Rule).

The legal authority for the agencies to enter this interagency transaction is the Economy Act, 31 U.S.C. 1535.

D. Categories of Records and Persons Covered by the Matching Program

We will use this information to administer the SSI program efficiently and to identify SVB beneficiaries who are no longer residing outside of the United States. We will provide CMS with a finder file on a monthly basis extracted from our Supplemental Security Income Record and Special Veterans Benefits (SSR/SVB), SSA/ODSSIS 60-0103, last published on December 19, 2007 (72 FR 69723).

CMS will match our finder file against the system of records that applies to individuals on the Long Term Care-Minimum Data Set (LTC/-MDS 09-70-0528) and submit its response file to us no later than 21 days after receipt of our finder file.

This matching program employs CMS systems that contain Protected Health Information (PHI), as defined by 45 C.F.R. 160.103, and disclosures of PHI are permitted under 45 C.F.R. 164.512(a).

E. Inclusive Dates of the Matching Program

The effective date of this matching program is June 6, 2016, provided that the following notice periods have lapsed: 30 days after publication of this notice in the Federal Register and 40 days after notice of the matching program is sent to Congress and OMB. The matching program will continue for 18 months from the effective date and, if both agencies meet certain conditions, it may extend for an additional 12 months thereafter.